

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

UNITED STATES

V.

BENJAMIN F. COLBERT,

Defendant.

**Criminal Action No.
5:07-cr-91(HL)**

ORDER

Defendant, Benjamin Colbert, has filed a Motion to Set Bond Pending Habeas Corpus Review (Doc. 54). A court can grant bond to a petitioner pending review of his habeas petition only if the petitioner demonstrates a likelihood of success on the merits of a substantial constitutional claim, and extraordinary and exceptional circumstances exist that make the grant of bond necessary to preserve the effectiveness of the habeas relief sought. Gomez v. United States, 899 F.2d 1124, 1125 (11th Cir. 1990). Colbert has not made this showing. As a result, his Motion to Set Bond is denied.

SO ORDERED, this the 22nd day of April, 2009.

s/ Hugh Lawson
HUGH LAWSON, Judge

dhc